

HOUSE No. 1333

By Ms. Jehlen of Somerville, petition of Patricia D. Jehlen and others relative to preventing the privatization of public water supplies and sewer systems in the Commonwealth. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

Patricia D. Jehlen	Frank I. Smizik
Anne M. Paulsen	J. James Marzilli, Jr.
Byron Rushing	Carl M. Sciortino, Jr.
Ellen Story	Benjamin Swan
Denis E. Guyer	Deborah D. Blumer

In the Year Two Thousand and Five.

AN ACT TO PRESERVE PUBLIC WATER AND SEWER SYSTEMS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Whereas, multinational private water companies
2 are currently going from town to town in Massachusetts
3 attempting to convince municipalities that they will save money
4 and provide better service by privatizing their water and sewer
5 systems in the face of mounting evidence to the contrary; and
6 Whereas, the very idea of turning such a basic resource as
7 water—and one absolutely necessary for human existence—into a
8 commodity should be repugnant to a democratic society.
9 Whereas, the policy of the Commonwealth should be to prevent
10 the sale of every Massachusetts resident's right to a reasonably
11 priced, publicly administered supply of clean water.
12 Whereas, the commonwealth should defend the principle of
13 water as a public trust as the debate over this resource heats up
14 around the globe.

15 Therefore, the Great and General Court hereby approves this
16 bill which will ban the privatization of public water and sewer
17 systems in the Commonwealth of Massachusetts.

1 SECTION 2. Chapter 165 of the General Laws is hereby
2 amended by inserting the following new sections:

3 Section 29. A city, town, or other political subdivision of the
4 Commonwealth shall not sell the municipal water or sewer depart-
5 ment which serves that city or town in whole or in part to a com-
6 pany or any other legal entity that is not controlled by elected
7 officials of the city or town.

8 Section 30. A private company which serves, in whole or in
9 part a city or town with water or sewer service shall no later than
10 five years from the effective date of this section offer to sell to
11 said city or town the corporate property and all the rights and
12 privileges of said company at the actual cost of the same as deter-
13 mined by an independent auditor appointed by the Attorney
14 General or at such price and terms as may be mutually agreed
15 upon between said corporation and the city or town which it
16 serves in whole or in part; provided further that any dispute of the
17 price or terms shall be determined by the department upon appeal
18 from either party.

19 A city or town may exempt itself for a period of ten years from
20 the provisions of the previous paragraph, in a town by two-thirds
21 vote of town meeting and in a city by two-thirds vote of the city
22 council.